

November 16, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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STIPULATED REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0600627**

DAUN GILLESPIE
Code Enforcement Appeal

Location: 22928 Upper Dorre Don Way Southeast, Maple Valley

Appellant: **Daun Gillespie**
22928 Upper Dorre Don Way
Maple Valley, Washington 98038
Telephone: (253) 347-7238

King County: Department of Development and Environmental Services (DDES)
represented by **Holly Sawin**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-6722
Facsimile: (206) 296-6604

SUMMARY OF RECOMMENDATION/DECISION:

Department's Preliminary Recommendation:	Deny appeal with revised compliance schedule
Department's Final Recommendation:	Deny appeal with further revised compliance schedule
Examiner's Decision:	Deny appeal with further revised compliance schedule

EXAMINER PROCEEDINGS:

Hearing Opened:	June 14, 2007
Hearing Continued on Call	June 14, 2007
Hearing Closed:	September 18, 2007

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On February 9, 2007, the King County Department of Development and Environmental Services (DDES) issued a code enforcement Notice and Order to Appellant Daun Gillespie and the subject property located at 22928 Upper Dorre Don Way Southeast in the unincorporated Maple Valley area. The Notice and Order found two violations of county code on the subject property, a) conversion of a nonconforming garage structure into an accessory dwelling unit (ADU) without required permits, inspections and approvals (noting that the parcel cannot accommodate an ADU legally under applicable zoning regulations); and b) occupancy of a substandard dwelling consisting of a recreational vehicle (RV).

The Notice and Order required correction of such violations by obtainment of the required permits, inspections and approvals for the ADU conversion, and cessation of occupancy of the RV, both by May 15, 2007.

2. A prehearing conference was held April 23, 2007 and the matter set over for hearing on June 14, 2007, after which the matter was continued to hearing on September 18, 2007. At the September 18, 2007 hearing, Appellant Gillespie stipulated to the violations and this abbreviated report and decision. She also stated that she no longer desires to pursue legalization of the ADU conversion of the garage, but would instead reconvert it to a non-habitable structure with a use allowed under the zoning code. Ms. Gillespie also agreed to attend a pre-application conference for the necessary permit application for such reconversion; to disconnect the RV from the sanitation drainfield system and have her tenant relocate from the property by the end of October, 2007;; and to allow a DDES site inspection on the property. The following Order implements the stipulated agreement to correct the stipulated violations.

CONCLUSIONS:

1. As noted in the above Findings, the Appellant has stipulated to the violations found by the Notice and Order, and therefore the Notice and Order is presumed correct and is sustained.

DECISION:

Based on the stipulation to the found regulatory violations, the appeal is **DENIED** and the Notice and Order sustained, except that the compliance requirements shall be revised as stated in the following order.

ORDER:

1. If the garage structure has not already been vacated by the residential tenant, such tenancy shall be vacated as soon as possible and *by no later than **December 31, 2007***. Once vacated, the structure shall not be re-occupied on a residential basis until and unless a formal accessory dwelling unit (ADU), accessory living quarters (ALQ) or other valid residential approval has been granted by the County and occupancy formally approved.

2. If not already performed, the RV onsite shall be disconnected from the sewage sanitation drainfield system *by no later than* **December 17, 2007**.
3. If not already performed, the Appellant/property owner and/or authorized representative(s) shall schedule and attend a pre-application conference for the submittal of an Already Built Construction (ABC) permit for reconversion of the garage structure to an allowed use under the zoning code, and shall submit a complete application for such permit *by no later than* **January 18, 2008**. The permit applicant shall meet all DDES and other agency deadlines for requested supplemental information necessary for permit processing and shall obtain the permit within required deadlines.
4. Appellant Gillespie has stated her permission for DDES to conduct site inspections of the property toward achieving code compliance in this matter.
5. DDES may in its sole discretion extend the above deadlines if circumstances arise which delay permit application submittal and/or obtainment for reasons beyond the control of the Appellant/property owner.
6. No penalties shall be assessed by DDES against Ms. Gillespie and/or the property if the above deadlines are complied with in full. If any one is not complied with in full, DDES may assess penalties against Ms. Gillespie and/or the property retroactive to the date of this order as provided by county code.

ORDERED November 16, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED via certified mail this 16th day of November, 2007, to the following parties:

Daun Gillespie
22928 Upper Dorre Don Way
Maple Valley WA 98038

TRANSMITTED this 16th day of November, 2007, to the following parties and interested persons of record:

Daun Gillespie
22928 Upper Dorre Don Way
Maple Valley WA 98038

Deidre Andrus
DDES/LUSD
MS OAK-DE-0100

Elizabeth Deraitus
DDES/LUSD
MS OAK-DE-0100

Jo Horvath
DDES/BSD
MS OAK-DE-0100

Lamar Reed
DDES/LUSD
MS-OAK-DE-0100

Holly Sawin
DDES/LUSD
MS OAK-DE-0100

Toya Williams
DDES/LUSD
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding Code Enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE SEPTEMBER 18, 2007, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0600627.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin, representing the Department, and Daun Gillespie, the Appellant.

The following Exhibits were offered and entered into the record:

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| Exhibit No. 1 | DDES staff report to the Hearing Examiner |
| Exhibit No. 2 | Copy of the Notice & Order issued February 9, 2007 |
| Exhibit No. 3 | Copy of the Notice and Statement of Appeal received March 7, 2007 |
| Exhibit No. 4 | Copies of codes cited in the Notice & Order |
| Exhibit No. 5 | Two color photographs of converted garage and RV and an aerial photograph |
| Exhibit No. 6 | King County archive records for the subject property |
| Exhibit No. 7 | Party of record list |

PTD:vsm
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